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10/004,790	12/07/2001	Hideyuki Mori	116692001000	7892
25227	7590	06/29/2005	EXAMINER	
MORRISON & FOERSTER LLP 1650 TYSONS BOULEVARD SUITE 300 MCLEAN, VA 22102			RHODE JR, ROBERT E	
			ART UNIT	PAPER NUMBER
			3625	
DATE MAILED: 06/29/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/004,790	MORI ET AL.
	Examiner	Art Unit
	Rob Rhode	3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 28 March 2005.

2a)  This action is **FINAL**.                    2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-44 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-44 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_.  
\_\_\_\_\_

## DETAILED ACTION

### ***Response to Amendment***

Applicant amendment of 3-28-05 amended claims 1 – 6, 8 –17, 29, 31, 43 and 44 as well as traversed rejections of Claims 1 - 44.

Currently, claims 1- 44 are pending.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 15, 29 and 43 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In Claim 1, the abbreviation "BBS" is a relative abbreviation, which renders the claims indefinite. The abbreviation "BBS" is not defined by the claim(s), the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably appraised of the scope of the invention. For example, the applicant has added BBS in the claim without a commensurate definition of what BBS means. For example in older online ordering methods and systems, BBS historically has meant Bulletin Board System and thereby causes confusion. Thereby and for examination purposes, BBS style sheet was interpreted as a display page of the vendors/suppliers catalog.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1 – 4, 7 – 11, 15 – 18, 21 – 25, 29 – 32, 35 - 39 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wiecha (US 5,870,717) in view of Manchala (US 6,405,178 B1).**

Regarding claim 1 and related claims 15, 29 and 43 (currently amended), Wiecha teaches a method and system of receiving and handling an order from a customer using an order-reception system, which is comprised of at least one computer and has an order-reception Subsystem, business management subsystem and order-entry subsystem, comprising the steps of:

registering by the order-reception subsystems sales-promotion information to be displayed sales-promotion materials and inquiry information to be displayed as O&A information's;

storing, in a sales-information database comprising a storage by the order-reception subsystem, BBS information to be posted on a BBS style page according to date and classification; the registered sales-promotion information to be displayed as sales-promotion materials according to date and classifications' and the registered inquiry

information to be displayed as the O&A information according to date, context and maker;

displaying by the order-reception subsystem the BBS information on the BBS style pages

displaying by the order-reception subsystem, the sales-promotion materials; receiving- by the order-reception subsystems customer order information sent from the customer, said customer order information including customer information regarding the customer and at least one of ordering information representing contents of an order for a commodity ordered by the customer and support request information representing contents of a support request;

performing- by the order-reception subsystem. the order reception processing based on the received customer order information;

determining by the order-reception subsystems to deliver the commodity specified in the ordering information and to provide a support specified in the support information, based on a result of the order reception processing',

and

charging by the order-reception subsystem a price of the commodity specified in the ordering information and a cost of the support specified in the support request information, based on the customer information including information regarding a price of each commodity purchased by the customer with high frequency and a cost of each support requested by the customer with high frequency, wherein the price and the cost are set by a seller of the commodity and support (see at least Abstract, Col 4, lines 14 –

41, Col 5, lines 30 – 53, Col 8, lines 14 – 22, Col 9, lines 48 – 49, Col 10, lines 39 – 42, Col 12, lines Figure 3, 7, 8 and 12). Please note that with the extremely broad wording of the claims and particularly the amended portion, the interpretation for examination purposes includes sales promotion as equivalent to a catalog, which includes sales promotion information such as price and inquiry information as the user comparing products. It is noted that supplier catalogs are provided to “promote” their products and catalogs are thereby considered to be sales promotion information. In turn, this promotion information is stored in the method and system of Wiecha for retrieval and display for the purchaser to browse and purchase. Once the purchaser selects the product or service, the PO is processed by the business/legacy systems (i.e. order reception subsystem) of Wiecha and the appropriate charge for the product is applied to the appropriate internal budget (business management subsystem). In turn, the PO is sent to the supplier, who acknowledges and updates the purchaser regarding status of the order. Moreover, Wiecha discloses multiple subsystems including an order reception subsystem (Figure 7). Furthermore, Wiecha discloses updates to the catalog/sales promotion information are received from suppliers in order to keep sales promotion information such as price set by the supplier to keep current. Also please note that the steps of registering, storing, displaying and receiving are merely transmitting, storing, displaying and receiving data, which is considered to be non functional descriptive material (MPEP 2106). For example, the storing of the BBS style sheet and following recitation regarding the BBS information is considered to be non-functional descriptive material, which is given very little patentable weight. The phrase(s) and or word(s) after

storing are given little patentable weight because the claim language limitation is considered to be non-functional descriptive material, which does not patentably distinguish the applicant's invention from Wiecha. Thereby, the non-fictional descriptive material is directed only to the content of the information stored (BBS information) and therefore does not affect either the structure or method/process of Wiecha, which leaves the method and system unchanged.

While Wiecha does disclose the supplier updating the status of a PO fulfillment, the reference does not specifically disclose and teach a method and system confirming by the order-reception subsystems whether the commodity is delivered and the support is provided.

On the other hand, Manchala teaches a method and system for confirming whether the commodity is delivered and the support is provided (Abstract and Col 5, lines 3 – 7).

It would have been obvious tone of ordinary skill in the art to have provided the method and system of Wiecha with the method and system of Manchala to have enabled a method and system as recited in the independent claims and exemplified by claim 1. Wiecha discloses a method and system of receiving and handling an order from a customer using an order-reception system which is comprised of at least one computer and has an order-reception Subsystem, business management subsystem and order-entry subsystem, comprising the steps of: registering, storing and displaying of sales

promotion information and the necessary order processing of receiving, performing and charging for the order sent to a supplier as well confirming that the order was received by the supplier (see at least Abstract, Col 4, lines 14 –41, Col 5, lines 30 – 53, Col 8, lines 14 – 22, Col 9, lines 48 – 49, Col 10, lines 39 – 42, Col 12, lines Figure 3, 7, 8 and 12). In turn, Manchala teaches an order processing system, which confirms that order product, is delivered (Abstract and Col 5, lines 3 – 7). Thereby, one of ordinary skill in the art would have been motivated to extend the methods and system of Wiecha with a method and system for confirming whether the commodity is delivered and the support is provided. In this regard, the purchaser will be able to close the PO with the confirming of the delivery and thereby too ensure that the PO amount can be expensed appropriately.

Regarding claim 2 and related claims 16 and 30, Manchala teaches a method and system further including steps of checking by the order-entry subsystem whether there is a stock of the commodity specified in the ordering information based on stock information; determining by the order-entry subsystem a delivery date for delivering the ordered commodity; and sending by the order-entry subsystem order-reception confirmation information including delivery date information representing the determined delivery date and the customer information to the customer either in a facsimile form or e-mail form (Abstract, Col 1, lines 39 – 42, Col 5, lines 3 – 7 and lines 33 – 36).

Regarding claim 3 and related claims 17 and 31, Wiecha teaches a method and system according to wherein the Q&A information represents the contents of inquiries sent from the customer and the seller and the contents of responses to the inquiries, the inquiries regarding commodities to be sold and supports to be provided; and providing by the order-entry subsystem the Q&A information stored in the storage, in response to a request (Abstract, Col 9, lines 59 – 64 and Col 12, lines 29 – 37).

Regarding claim 4 and related claims 18 and 32, Wiecha teaches a method and system, further including the steps of: gathering by the business management subsystem statistical data based on the customer information and customer order information of each of a plurality of customers; and reflecting by the business management subsystem the statistical data to the Q&A information (Col 12, line 37).

Regarding claim 7 and related claims 21 and 35, Manchala teaches a method and system, wherein the support request information includes information regarding a request for at least one of; a service for delivering the commodity to a place specified by the customer (Col 5, lines 3 – 7).

Regarding claim 8 and related claims 22 and 36, Wiecha teaches a method and system, further including the steps of: storing, by the order reception subsystem in a storage in response to a customer registration operation of the seller, the customer information including information regarding a price of a commodity purchased by the customer with

high frequency and a cost of a support requested by the customer with high frequency, wherein the price and the cost are set by the seller, and creating by the order reception subsystem a purchase application form and a catalog based on the stored customer information, and providing the customer with the created application form and catalog (Abstract, Col 1, lines 60 – 67 and Figures 6, 7 and 12).

Regarding claim 9 and related claims 23 and 37, Manchala teaches a method further including the step of, further including the step of receiving by the order reception subsystem the customer order information is sent from the customer through a telephone call or via facsimile (Col 1, lines 39 – 44). Please note that Manchala does not disclose a fax or phone. However, Manchala does disclose email. In that regard, it would have been obvious to one of ordinary skill in the art to have extended the method and system of Manchala with phone or fax. In this manner, the customer has additional ways to communicate with vendors, which maybe needed if the email system is down.

Regarding claim 10 and related claims 24 and 38, Manchala teaches a method, wherein the order reception system is further comprised of a network order reception subsystem; and further including the step of receiving, by the network order subsystem the customer order information is sent from the customer through Internet (Col 1, lines 39 – 44).

Regarding claim 11 and related claims 25 and 39, Wiecha teaches a method, further including the step of storing, by the order reception subsystem in a storage in response to a registration operation of the seller, the customer information including information regarding a price of a commodity purchased by the customer with high frequency and a cost of a support requested by the customer with high frequency, wherein the price and the cost are set by the seller, and wherein the customer information includes information representing that the customer is one who transmits the customer order information through the Internet (Abstract and Col 4, lines 17 - 22).

**Claims 5 – 6, 19 – 20 and 33 - 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Wiecha and Manchala as applied to claim 1 above, and further in view of Moreno (US 6,882,269 B2).**

The combination of Wiecha and Manchala disclose and teach substantially the applicant's invention.

However the combination does not specifically disclose and teach a method, wherein the support request information includes information regarding a request for collecting recyclable items including at least one of a used cartridge, a used toner container and used paper nor a method and system wherein the order reception system is further comprised of a delivery subsystem; and further comprising the step of arranging, by the delivery subsystem, collection of used paper, in response to a support request for

collecting used paper from the customer when a used paper collection box provided to the customer is filled with used paper.

On the other hand and claim 5 and related claims 19 and 33, Moreno teaches a method, wherein the support request information includes information regarding a request for collecting recyclable items including at least one of a used cartridge, a used toner container and used paper (Figure 1 and 3). Please note that Moreno does not disclose recyclable items. However, Moreno does disclose collecting items. In that regard, it would have been obvious to one of ordinary skill in the arts to extend items with recyclable items. Thereby, these additional items can be included, which will increase the number of items collected.

Regarding claim 6 and related claims 20 and 34, the recitation that method further including the step of arranging collection of used paper, in response to a support request for collecting used paper from the customer when a used paper collection box provided to the customer is filled with used paper", such recitation is given little patentable weight because it imparts no structural or functional specificity which serves to patentably distinguish the instant invention from the other "collecting" already disclosed by Moreno.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the combination of Wiecha and Manchala with the method and system

of Moreno to have enabled a method and system wherein the support request information includes information regarding a request for collecting recyclable items including at least one of a used cartridge, a used toner container and used paper. The combination of Wiecha and Manchala disclose a method and system as recited in claim

1. In turn, Moreno discloses a method and system wherein the support request information includes information regarding a request for collecting recyclable items including at least one of a used cartridge, a used toner container and used paper

(Abstract and Figures 1 and 3

**Claims 12, 26 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Wiecha and Manchala as applied to claims 1, 15, and 29 above, and further in view of Sawada (US 6,141,507).**

The combination of Wiecha and Manchala disclose and teach substantially the applicant's invention.

However, the combination does not specifically disclose and teach a method and system further comprising the steps of: assigning, by the order reception subsystem in a case where the customer has made a contract of maintenance service for an of a plurality of apparatus including OA apparatuses, a delivery of the commodity to a service person who can execute the maintenance service when it is determined to deliver the commodity specified in the ordering information; and determining by the

order reception subsystem to execute a maintenance service based on the maintenance contract at a time of delivering the commodity, based on the customer information and customer order information.

On the other hand and regarding claim 12 and related claims 26 and 40, Sawada teaches a method and system, further comprising the steps of: assigning, by the order reception subsystem in a case where the customer has made a contract of maintenance service for one of a plurality of apparatus including OA apparatuses, a delivery of the commodity to a service person who can execute the maintenance service when it is determined to deliver the commodity specified in the ordering information; and determining to execute a maintenance service based on the maintenance contract at a time of delivering the commodity, based on the customer information and customer order information (Col 1, lines 18 – 24 and Col 2, lines 26 – 34).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the combination of Wiecha and Manchala with the method and system of Sawada to have enabled a method and system further comprising the steps of: assigning, by the order reception subsystem in a case where the customer has made a contract of maintenance service for one of a plurality of apparatus including OA apparatuses, a delivery of the commodity to a service person who can execute the maintenance service when it is determined to deliver the commodity specified in the ordering information; and determining by the order reception subsystem to execute a

maintenance service based on the maintenance contract at a time of delivering the commodity, based on the customer information and customer order information. The combination of Moreno and Manchala disclose a method and system for receiving a customer order, performing the order reception processing, delivery confirmation and charging a price for the delivered commodity and or service. Sawada discloses a method and system further comprising the steps of: assigning, in a case where the customer has made a contract of maintenance service for one of a plurality of apparatus including OA apparatuses, a delivery of the commodity to a service person who can execute the maintenance service when it is determined to deliver the commodity specified in the ordering information; and determining to execute a maintenance service based on the maintenance contract at a time of delivering the commodity, based on the customer information and customer order information (Col 1, lines 18 – 24 and Col 2, lines 26 – 34). Therefore, one of ordinary skill in the art would have been motivated to extend the combination of Moreno and Manchala with a method and system further comprising the steps of: assigning, in a case where the customer has made a contract of maintenance service for one of a plurality of apparatus including OA apparatuses, a delivery of the commodity to a service person who can execute the maintenance service when it is determined to deliver the commodity specified in the ordering information; and determining to execute a maintenance service based on the maintenance contract at a time of delivering the commodity, based on the customer information and customer order information.

**Claims 13, 14, 27, 28 and 41 – 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Wiecha and Manchala as applied to claims 1, 15 and 29 above, and further in view of Tsukuda (US 6,085,170).**

The combination of Wiecha and Manchala disclose and teach substantially the applicant's invention.

However, the combination does not specifically disclose and teach a method and system further comprising the steps of: arranging delivery of the commodity specified in the ordering information based on the customer order information, upon determination of the delivery of the commodity specified in the ordering information and the providing of the support; and instructing a distributor to perform a support when delivering the commodity, in a case where the support is specified in the customer order information; and further including the steps of: confirming whether there is a stock of the ordered commodity based on stock information; determining a delivery date for delivering the ordered commodity; sending, to the customer, order-reception confirmation information including delivery date information representing the determined delivery date and the customer order information in a facsimile form or e-mail form; and arranging the delivery of the ordered commodity based on the delivery-date information and customer order information.

Regarding claim 13 and related claims 27 and 41, Tsukuda teaches a method and system, wherein the order reception subsystem is further comprised of a delivery subsystem further comprising the steps of: arranging by the delivery subsystem delivery of the commodity specified in the ordering information based on the customer order information, upon determination of the delivery of the commodity specified in the ordering information and the providing of the support; and instructing by the delivery subsystem a distributor to perform a support when delivering the commodity, in a case where the support is specified in the customer order information (Abstract, Col 1, lines 30 – 36, Col 3, lines 37 – 52 and Figures 12 and 19).

Regarding claim 14 and related claims 28 and 42, Tsukuda teaches a method and system, further including the steps of: confirming by the order entry subsystem whether there is a stock of the ordered commodity based on stock information; determining by the order entry subsystem a delivery date for delivering the ordered commodity; sending, to the customer, order-reception confirmation information including delivery date information representing the determined delivery date and the customer order information in a facsimile form or e-mail form; and arranging the delivery of the ordered commodity based on the delivery-date information and customer order information ((Col 8, lines 64 – 67 and Col 9, lines 1 – 32).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the combination of Moreno and Manchala with the method and system

of Tsukuda to have enabled a method and system further comprising the steps as recited in claim 1. The combination of Moreno and Manchala disclose a method and system for receiving a customer order, performing the order reception processing, delivery confirmation and charging a price for the delivered commodity and or service. Tsukuda discloses a method and system further comprising the steps of: arranging delivery of the commodity specified in the ordering information based on the customer order information, upon determination of the delivery of the commodity specified in the ordering information and the providing of the support; and instructing a distributor to perform a support when delivering the commodity, in a case where the support is specified in the customer order information; and further including the steps of: confirming whether there is a stock of the ordered commodity based on stock information; determining a delivery date for delivering the ordered commodity; sending, to the customer, order-reception confirmation information including delivery date information representing the determined delivery date and the customer order information in a facsimile form or e-mail form; and arranging the delivery of the ordered commodity based on the delivery-date information and customer order information (Abstract, Col 1, lines 30 – 36, Col 3, lines 37 – 52 and Figures 12 and 19). Therefore, one of ordinary skill in the art would have been motivated to extend the combination of Wiecha and Manchala with a method and system for further comprising the steps of: arranging delivery of the commodity specified in the ordering information based on the customer order information, upon determination of the delivery of the commodity specified in the ordering information and the providing of the support; and instructing a

distributor to perform a support when delivering the commodity, in a case where the support is specified in the customer order information; and further including the steps of: confirming whether there is a stock of the ordered commodity based on stock information; determining a delivery date for delivering the ordered commodity; sending, to the customer, order-reception confirmation information including delivery date information representing the determined delivery date and the customer order information in a facsimile form or e-mail form; and arranging the delivery of the ordered commodity based on the delivery-date information and customer order information.

***Response to Arguments***

Applicant's arguments with respect to claims 1 - 44 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Rob Rhode** whose telephone number is **571.272.6761**. The examiner can normally be reached Monday thru Friday 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Wynn Coggins** can be reached on **571.272.7159**.

Any response to this action should be mailed to:

***Commissioner for Patents***

**P.O. Box 1450**

**Alexandria, Va. 22313-1450**

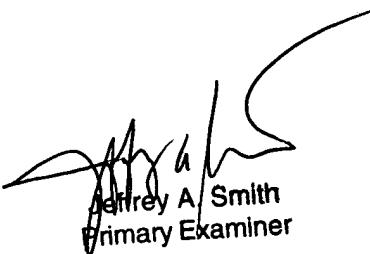
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**(703) 872-9306** [Official communications; including  
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For general questions the receptionist can be reached at  
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Jeffrey A. Smith  
Primary Examiner